

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VOLTERRA SEMICONDUCTOR LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 19-2240-CFC-SRF
	)	
MONOLITHIC POWER SYSTEMS,	)	
INC.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (NO. 1) OF NO  
INDIRECT INFRINGEMENT BASED ON VOLTERRA’S COVENANT  
NOT TO SUE NVIDIA**

On this \_\_\_\_ day of \_\_\_\_\_, 2022, having considered Defendant Monolithic Power Systems, Inc.’s (“MPS”) Motion for Summary Judgment (No. 1) of No Indirect Infringement Based on the Volterra Covenant Not to Sue NVIDIA (“Volterra CNS”) (D.I. 268, unsealed), and all of the associated papers submitted and arguments presented therewith, IT IS HEREBY ORDERED the motion is GRANTED-IN-PART and DENIED-IN-PART as follows:

Summary Judgement of no indirect infringement is GRANTED as to Volterra’s allegations that MPS induced infringement of U.S. Patent Nos. 6,362,986, 7,525,408 and 7,772,955 premised on direct infringement by NVIDIA’s, or NVIDIA’s subsidiaries’, affiliates’, or customers’, use, offer for sale

or sale of the NVIDIA products. Pursuant to the Volterra CNS, NVIDIA products refers to those products of NVIDIA which include MPS Accused Products (MPS voltage converters with coupled inductors) that were already designed into the NVIDIA products prior to April 9, 2020, or their derivatives. A derivative is defined as a NVIDIA product that uses the same MPS Accused Products and has passed Nvidia's standard X-release product development milestone prior to or on May 31, 2022.

MPS' Motion for Summary Judgment No. 1 is denied in all other respects.

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United States District Judge